

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
\_\_\_\_\_  
JEFFREY DESKOVIC,

Plaintiff,

vs.

CITY OF PEEKSKILL, ET AL.,

Defendants.  
\_\_\_\_\_X

LINDA MCGARR,

Plaintiff,

vs.

CITY OF PEEKSKILL, ET AL.,

Defendants.  
\_\_\_\_\_X

CITY OF PEEKSKILL,

Third-Party Plaintiff,

vs.

WESTPORT INSURANCE COMPANY, ET AL.,

Third-Party Defendants.  
\_\_\_\_\_X

No.: CV-07-8150 (KMK)(GAY)

**HARCO NATIONAL  
INSURANCE COMPANY'S  
NOTICE OF PARTIAL  
MOTION TO DISMISS AND  
TO STRIKE CERTAIN  
ALLEGATIONS**

No. 07-CV-9488 (KMK)(GAY)

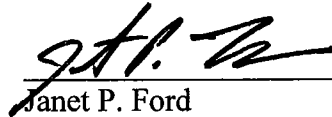
PLEASE TAKE NOTICE THAT, upon the declarations and exhibits submitted in conjunction with this motion by the other Third-Party Defendants, and the Memorandum of Law accompanying this notice, and pursuant to Fed. R. Civ. P. 12(b)(6) and this Court's scheduling order issued on March 27, 2012, Third-Party Defendant HARCO NATIONAL INSURANCE COMPANY, moves for an ORDER: (1) dismissing Count III of the above-captioned Third-Party

Amended Complaints; and (2) striking all additional and unauthorized allegations regarding bad faith conduct.

Dated: New York, New York  
April 20, 2012

WHITE FLEISCHNER & FINO, LLP

By:

  
\_\_\_\_\_  
Janet P. Ford

Counsel for Third-Party Defendant HARCO  
NATIONAL INSURANCE COMPANY  
61 Broadway, 18<sup>th</sup> Floor  
New York, New York 10006  
(212) 487-9700  
Our File No.: 344-15971

TO: (see Certificate of Service)